

March 21, 1995

LB 168, 308, 649, 658, 752, 789  
LR 27

Government Committee reports LB 308 to General file, LB 649 General File, LB 789 General File. Amendments to be printed, Senator Chambers to LR 27CA; Senator Witek to LB 752 and Senator Pedersen LB 658. (See pages 1191-92 of the Legislative Journal.)

Madam President, Senator Bernard-Stevens would move to amend the committee amendments.

PRESIDENT ROBAK: Thank you. Senator Bernard-Stevens, to open on his amendment.

SENATOR BERNARD-STEVENS: Thank you, Madam President, members of the body, this amendment is really quite simple at least as far as understanding the amendment. It's on the green copy and notwithstanding the Bromm amendment, in fact, the Bromm amendment doesn't make any difference as to the adoption of this amendment or not. On line 25 on page 2 to delete the word "not" and a period after the word "information", and the rest through line 27 would be stricken. What this amendment basically does is say look, if we're really serious about, if those people that are supporting of the bill are very serious about having the Attorney General look at the rules and regs and make a decision as to whether or not the rules and regs are an illegal takings, that we should not at the same time go ahead and say that we want keep any finding from the Attorney General secret. We don't want it to be public information. This amendment simply says that it will be public information. Just like when a member of the Legislature asks the Attorney General, the attorney for the State of Nebraska, if you wish, even though our attorney has a tendency to sue his client more often than not, nonetheless, when we ask him for an opinion what happens to that opinion? Is it confidential? No. Is it closed to the public? No. It's printed immediately in the Journal and made public. The Attorney General's Opinion is made public. So if, in fact, he makes an opinion that an amendment we're trying to do or a bill we're trying to pass, in his opinion, is unconstitutional and we pass it anyway, that doesn't mean anything. We go ahead and do it and the courts then shall decide. If the people that really support the bill want it to have an effect, they would at least, I think, want to say in the bill that whatever the Attorney General decides, that opinion, whether it be a he or she, that opinion shall be public information which means that if obviously, if you're going to have a court case and if I'm going to take on a regulation in the state on the takings, I've